THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.11752 of 2001

Dated:23.06.2006

Between:

Gundesri Ashok Kumar, and another.

…Petitioners

and

The Revenue Divisional Officer, Peddapalli, Karimnagar District, and another.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.11752 of 2001

ORDER:

The petitioners are owners of land in Survey No.168 admeasuring 0.20 guntas situated at Easala Takkallapalli Village, Ramagundam Mandal, Karimnagar District. It is their case that the father of the petitioners purchased the land from the father of the second respondent under a simple sale deed, dated 11.10.1989, and approached the recording authority for regularization of the sale under Section 5-A of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'). By impugned order, dated 30.04.2001, however, the first respondent considering the petition submitted by the second respondent on 07.04.2001 ordered to cancel the certificates in Form Nos.13-B and 13-C and instead directed to issue new pattadar pass book to an extent of 0.10 guntas only. Assailing the same, the present writ petition is filed.

This Court while admitting the writ petition on 15.06.2001 stayed the impugned order. Now the second respondent has come forward by filing W.V.M.P.No.104 of 2006. The Writ Petition is opposed *inter alia* on the ground that the petitioners obtained Form Nos.13-B and 13-C certificates by tampering with the records, and therefore, the impugned order is justified. It is also opposed on the ground that against the impugned order the petitioners have an effective alternative remedy by way of a revision under Section 9 of the Act. The first respondent has not filed any counter affidavit.

Heard the learned Counsel for the petitioners and the learned Counsel for the second respondent, who also consented for final disposal of the writ petition.

As the petitioners have an effective alternative remedy and they also contend that the first respondent did not issue any notice before cancelling the earlier certificates, it would be in the interests of both the parties to relegate the petitioners to the Joint Collector, Karimnagar, to

avail the remedy of revision under Section 9 of the Act. As and when such revision petition is filed by the petitioners against the proceedings of the Revenue Divisional Officer bearing Proceedings No.H/858/2001, dated 30.04.2001, the Joint Collector shall consider the same and dispose of the matter within a period of eight weeks thereafter after issuing notice to the petitioners as well as the second respondent herein. Till then there shall be *status quo* as on today.

The Writ Petition, with the above observations and directions is accordingly disposed of. There shall be no order as to costs.

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(V.V.S.RAO, J)

23.06.2006

Note: Issue C.C by 27.06.2006.

B/o.

vs